

REMARKS

This Preliminary Amendment accompanies a Request for Continued Application and addresses the issues raised in the Office Action of February 10, 2004. Applicants have amended claims 1 and 25-27 to define more clearly the subject matter that Applicants regard as their invention. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH (ENABLEMENT)

Claims 1, 3-7 and 25-31 were rejected under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement.

Without acquiescing to the ground of rejection, applicants submit that claims 1, 3-7 and 25-31 as amended (claims 30 and 31 cancelled) are not subject to this ground of rejection.

Accordingly, Applicants submit that the specification enables a person skilled in the art to make and use the claimed invention, thus satisfying the requirements of 35 U.S.C. § 112, first paragraph. Applicants therefore respectfully request that the rejection of the claims be withdrawn.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH (WRITTEN DESCRIPTION)

Claims 1, 5-7 and 26-31 were rejected under U.S.C. § 112, first paragraph, as the claims allegedly are directed to subject matter that is not adequately described in the specification. In particular, the PTO alleges that the claims encompass a large genus of mutants, variants, and homologues of SEQ ID NOs:1, 3, and 5 that are not described by structure or function in the specification. Without acquiescing to the ground of rejection, applicants submit that the claims as amended are not subject to the rejection. Applicants acknowledge that the previous amendment has overcome the rejection of claims 3 and 4.

In view of the present amendments, applicants respectfully submit that the presently claimed subject matter is sufficiently described by the specification to reasonably convey to a person skilled in the art that applicants possessed the claimed invention at the time the application was filed. Applicants therefore submit that the

instant application complies with the written description requirement under 35 U.S.C. § 112, first paragraph, and respectfully request that the rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

Claims 26 and 27 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by GenBank Accession No. AA424347. The claims have been amended as kindly suggested by the Examiner.

Claims 25-27 were rejected under 35 U.S.C. § 102(b) over Brennan (U.S. Patent No. 5,474,796). Applicants submit that claims 25-27 as amended are not subject to this ground of rejection, withdrawal of which is respectfully requested.

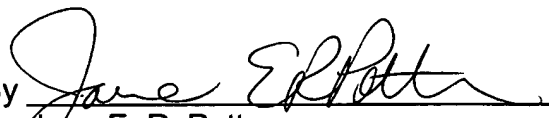
Claims 26, 27 and 5-7 were rejected under 35 U.S.C § 102 (b) over Yang and Kurkinen, J. Biol. Chem., 273:17893-17990, 1998. Applicants submit that claims 26, 27 and 5-7 as amended are not subject to this ground of rejection, withdrawal of which is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that are believed necessary, and the Commissioner is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,
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